

IN THE DRAWINGS

Attached hereto please find formal replacement sheets for FIG. 1, FIG. 2 and FIG. 3.

REMARKS

Claims 1-18 are pending in this application. In the Office Action, the Examiner rejected the claims as follows. Claims 1-10 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1-3, 11, 15 and 17 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,122,614 (Kahn). Claims 4, 6-7, 12 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kahn. Claims 5, 8-10, 13-14 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kahn and further in view of U.S. Patent Publication No. 2003/0033192 (Zyman).

Regarding the Examiner's objection to the specification, the Title has been amended to comply with the Examiner's recommendation. Applicants respectfully submit that no new matter has been added. Accordingly, it is respectfully requested that the Examiner withdraw the objection to the specification.

Regarding the Examiner's objection to the drawings, formal copies of FIGs. 1-3 are submitted herewith. Applicants respectfully submit that no new matter has been added. Accordingly, it is respectfully requested that the Examiner withdraw the objection to the drawings.

Regarding the Examiner's "Official Notice" rejections, Applicants respectfully traverse each and every one of the Examiner's Official Notice rejections and respectfully request that the Examiner supply all references upon which the Examiner relies for each and every Official Notice rejection.

Regarding the Examiner's rejection of Claims 1-10 under 35 U.S.C. §101, independent Claim 1 has been amended to more clearly recite statutory subject matter. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. §101 of Claims 1-10 be withdrawn.

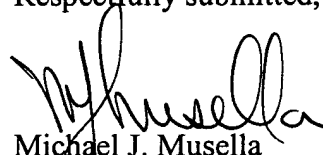
Regarding the Examiner's rejection of Claims 1 and 11 under 35 U.S.C. §102(e), the Examiner states that Kahn teaches all the recitations of Claims 1 and 11. Claims 1 and 11 have been amended to further clarify and distinguish the invention as claimed. Kahn teaches a system for substantially automating transcription services for multiple voice users which includes a manual transcription station, a speech recognition program, and a routing program. Moreover, Kahn teaches a method for substantially automating transcription services. In contrast, Claim 1, as amended, contains the recitation providing sample data of a person from a data storage device, accessing, by the adaptation module, the sample data associated with the person, *determining whether the software product is an automatic speech recognition (ASR) product and transcribing a verbal sample of data from the sample data based on the determination*, and configuring the software product to adapt to the person by utilizing the adaptation module and the sample data, and Claim 11 includes the recitation a server for accessing data associated with a person selected for promoting the product from the at least one person and *determining whether the selected product is an automatic speech recognition (ASR) product*, wherein the server uses the accessing data to access the sample data for the selected person and uses the sample data to adapt the product to the selected person utilizing the adaptation module of the product, which are neither taught nor disclosed by Kahn. Accordingly, it is respectfully requested that the rejection under

35 U.S.C. §102(a) of Claims 1 and 11 be withdrawn.

Without conceding the patentability *per se* of dependent Claims 2-10 and 12-18, these are likewise believed to be allowable by virtue of their dependence on their respective independent claims. Accordingly, reconsideration and withdrawal of the rejections of Claims 2-10 and 12-18 is respectfully requested.

Applicants submit that pending Claims 1-18 are believed to be in condition for allowance. Allowance is respectfully requested. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Michael J. Musella
Reg. No. 39,310
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516